Item 1008-D

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Calendar No. 1186

96TH CONGRESS
2d Session

SENATE

REPORT
No. 96-1050

COMPLETED

ORIGINAL

FEDERAL RECOGNITION OF MEMBERS OF THE NATIONAL GUARD OF THE VIRGIN ISLANDS IN GRADES ABOVE COLONEL

DECEMBER 3 (legislative day, NOVEMBER 20), 1980.—Ordered to be printed

Mr. NUNN, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H.R. 5856]

The Committee on Armed Services, to which was referred the bill (H.R. 5856) to amend title 32, United States Code, to allow Federal recognition as officers of the National Guard of members of the National Guard of the Virgin Islands in grades above the grade of colonel, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

H.R. 5856 allows general officers of the National Guard of the Virgin Islands to receive federal recognition as officers of the National Guard.

DISCUSSION

FEDERAL RECOGNITION OF GENERAL OFFICERS

Current law prescribes the criteria for Federal recognition as an officer of the National Guard. Subsection (g) of 32 U.S.C. 307, prohibits Federal recognition of any member of the National Guard of the Virgin Islands in any grade above colonel.

Currently the State Adjutants General positions as well as the commanding positions in Puerto Rico and the District of Columbia are all federally recognized general officer ranks; while the Adjutant General of the Virgin Islands is federally recognized as a colonel.

The Committee recommendation repeals the prohibitions against Federal recognition of the commanding officer of the National Guard in the Virgin Islands as a general officer.

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(3)

DEPARTMENTAL RECOMMENDATIONS

The Department of the Army in the following letter dated December 2, 1980, supports enactment of this legislation:

DEPARTMENT OF THE ARMY,
Washington, D.C., December 2, 1980.

Hon. JOHN STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request to the Department of Defense for the views of the Department of Defense on H.R. 5856, 96th Congress, an act to amend title 32, United States Code, to allow Federal recognition as officers of the National Guard of members of the National Guard of the Virgin Island in grades above the grade of colonel. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this act.

The title of the act states its purpose.

The Department of the Army, on behalf of the Department of Defense, favors the act. The act would permit Federal recognition to be extended to the Adjutant General of the Virgin Islands above the grade of colonel.

The current amendment anticipated that, given the limited population of the Virgin Islands and the small National Guard troop structure contemplated (399), no Federally recognized National Guard rank above colonel would be justified. Since the inception, however, troop strength has grown to approximately 700 personnel. In addition, an Air National Guard unit was established in January 1980 with an authorized strength of 22.

Currently the several State Adjutants General positions as well as that of the Commanding General of the District of Columbia National Guard are all of Federally recognized star ranks while the Adjutant General of the Virgin Islands is Federally recognized as a colonel. The prestige of the Adjutant General of the Virgin Islands should also be comparable to that of the Adjutant General of a State.

The proposal would cause no increase in National Guard strength authorizations or budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

WILLIAM D. CLARK,
Deputy Assistant Secretary of the Army,
(Manpower and Reserve Affairs).

CONGRESSIONAL BUDGET OFFICE ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., December 2, 1980.

Hon. JOHN STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 5856, a bill to amend the United States Code to allow Federal recognition as officers of the National Guard of members of the National Guard of the Virgin Islands in grades above the grade of colonel, as ordered reported by the Senate Armed Services Committee on December 2, 1980. The data we have obtained from the National Guard indicate that the costs of this bill are insignificant.

Should the Committee so desire, we would be pleased to provide further detail on our research into the costs of this bill.

Sincerely,

ALICE M. RIVLIN, *Director.*

COMMITTEE CONSIDERATION

The Committee on Armed Services on December 2, 1980, agreed to H.R. 5856 by unanimous vote.

REGULATORY IMPACT

Paragraph 5 of rule XXIX of the Standing Rules of the Senate requires that a report on the regulatory impact of a bill be included in the report on such bill. The committee finds that in the case of H.R. 5856 there is no regulatory impact.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law proposed to be made by the bill are shown as follows: Existing law to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.

SECTION 307 OF TITLE 32, UNITED STATES CODE

CHAPTER 3—PERSONNEL

* * * * * * *

§ 307. Federal recognition of officers: examination; certificate of eligibility

(a) * * *

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[(g) Federal recognition may not be extended in the case of any member of the National Guard of the Virgin Islands in any grade above colonel.]

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